

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHIVA STEIN,

Plaintiff,

-against-

EL PASO ELECTRIC COMPANY, et al.,

Defendants.

1:17-cv-10243

ORDER OF
DISMISSAL

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DATE FILED: 3/6/2020

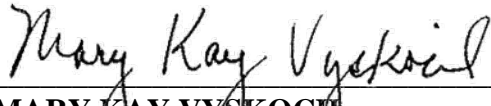
MARY KAY VYSKOCIL, United States District Judge:

The Complaint in this action was filed on July 18, 2019 (ECF #1). Executed waivers of service were filed on the docket on July 24, 2019, and Defendants' responses to the complaint were due September 17, 2019 (ECF #4-12). No responses were filed, and Plaintiff has not prosecuted this case to date. On October 31, 2019, before this case was reassigned to me, Judge Broderick ordered that the Plaintiff seek a default judgment or risk dismissal for failing to prosecute (ECF #13). Plaintiff took no action. Accordingly, it is hereby:

ORDERED that the above-captioned action is discontinued for failure to prosecute without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **April 7, 2020**. If no such application is made by that date, today's dismissal of the action is with prejudice. *See LeSane v. Hall's Sec. Analyst, Inc.*, 239 F.3d 206, 209 (2d Cir. 2001) (citing *Link v. Wabash R.R. Co.*, 370 U.S. 626, 630 (1962)).

SO ORDERED.

Date: March 6, 2020
New York, NY


MARY KAY VYSKOCIL
United States District Judge